

**IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION**

NC-WC LP,)	
)	
Plaintiff,)	
)	
v.)	Civil Action No.: 3:06-cv-440-WKW-SRW
)	
DAVID STIVARIUS, MALISSA)	
ADELL LEE, DELTA PROPERTIES,)	
ALAN K. FLEMING)	
and UNITED STATES DEPT. OF)	
TREASURY - INTERNAL REVENUE)	
SERVICE,)	
)	
Defendants.)	

**SECOND MOTION FOR EXTENSION OF TIME TO ANSWER
OR OTHERWISE RESPOND**

Comes now the federal defendant, by and through Leura G. Canary, United States Attorney for the Middle District of Alabama, and requests an extension of ten (10) days, to and including, Friday, July 7, 2006, in which to answer or otherwise respond in the above-styled matter, and as grounds states as follows:

The parties previously advised the Court that they were in negotiations which they believed would lead to a request that this matter be remanded to the Circuit Court of Lee County, Alabama. While these negotiations have been successful, the necessary documents to effect the agreement have not been completed. To avoid the possibly unwarranted expenditure of resources, the defendant respectfully requests that its time to answer or otherwise respond be extended ten (10) days, to and including, Friday, July 7,

2006. The undersigned represents that no further extensions will be sought, absent extraordinary, presently unforeseeable circumstances.

Counsel for the plaintiff has been contacted and he has no objections to this request.

Respectfully submitted this 23rd day of June, 2006.

LEURA G. CANARY
United States Attorney

By: s/ R. Randolph Neeley
R. Randolph Neeley
Assistant United States Attorney
Bar Number: 9083-E56R
Attorney for Defendant
Post Office Box 197
Montgomery, AL 36101-0197
Telephone No.: (334) 223-7280
Facsimile No.: (334) 223-7418
E-mail: rand.neeley@usdoj.gov

CERTIFICATE OF SERVICE

I hereby certify that I have this date served a copy of the foregoing upon all interested parties by mailing a copy of same, first class, postage prepaid, addressed as follows:

Gary S. Olshan, P.C.
P.O. Box 3020
Birmingham, Alabama 35202

David Stivarius
180 Lee Road 845
Valley, AL 36854

Malissa L. Hagler
616 26th St, #A
Columbus, GA 31904-8531

Alan K. Fleming
6261 Seminary Road
Columbus, GA 31904

Delta Properties
407 7th Street
Tallassee, AL 36078

Dated this the 23rd day June, 2006.

s/R. Randolph Neeley
Assistant United States Attorney